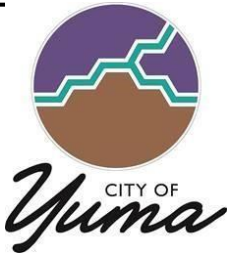


Notice of Public Hearing of the Planning & Zoning Commission of the City of Yuma

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Planning & Zoning Commission of the City of Yuma and to the general public that the Planning & Zoning Commission will hold a hearing open to the public on October 24, 2022, at 4:30 p.m. at the City Hall Council Chambers, One City Plaza, Yuma, AZ.



Agenda

**Planning and Zoning Commission Meeting
City Hall Council Chambers
One City Plaza Yuma, AZ
Monday, October 24, 2022, 4:30 p.m.**

A. CALL TO ORDER

- B. CONSENT CALENDAR** – All items listed under the consent calendar will be approved by one motion. There will be no separate discussion of these items unless the Commission or a member of the audience wishes to speak about an item.

B.1 APPROVAL OF MINUTES –

October 10, 2022

B.2 WITHDRAWALS BY APPLICANT – NONE

B.3 TIME EXTENSIONS – NONE

B.4 CONTINUANCES – NONE

B.5 APPROVALS – NONE

C. ACTION ITEMS –

C.1 CUP-40509-2022: *This is a request by Lindsay and Carlos Nungaray on behalf of Janet Wilson, for a Conditional Use Permit to allow a wellness, nutrition, and health consultation company – Evolution Strength, in the Light Industrial (L-I) District, for the property located at 547 E. 20th Street, Yuma, Arizona.*

D. PUBLIC HEARINGS – NONE

E. INFORMATION ITEMS

E.1 STAFF

E.2 COMMISSION

E.3 Public – Members of the public may address the Planning and Zoning Commission on matters that are not listed on the Commission agenda. The Planning & Zoning Commission cannot discuss or take legal action on any matter raised unless it is properly noticed for discussion and legal action. At the conclusion of the call to the public, individual members of the Commission may respond to criticism made by those who have addressed the Commission, may ask staff to review a matter or may ask that a matter be placed on a future agenda. All Planning & Zoning Commission meetings are recorded.

ADJOURN

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Division, One City Plaza, Yuma, AZ 85364; (928) 373-5125 or TTY (928) 373-5149.

Notice is hereby given, pursuant to the Yuma City Code, Title 15, Chapter 154, Section 02.01, that one or more members of the Planning and Zoning Commission may participate in person or by telephonic, video or internet conferencing. Voting procedures will remain as required by the Yuma City Charter and other applicable laws.

The Commission may vote to hold an executive session for the purpose of obtaining legal advice from the Commission's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

**Planning and Zoning Commission Meeting Minutes
October 10, 2022**

A regular meeting of the City of Yuma Planning and Zoning Commission was held on Monday, October 10, 2022 at the City of Yuma Council Chambers, One City Plaza, Yuma, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present were Vice-Chairman Gregory Counts and Commissioners Branden Freeman, Lorraine Arney, Ashlie Pendleton and Joshua Scott. Chairman Chris Hamel and Commissioner Barbara Beam were absent.

STAFF MEMBERS present included Alyssa Linville, Director of Planning and Neighborhood Services; Scott McCoy, Assistant City Attorney; Andrew McGarvie, Engineering Manager; Jennifer Albers, Principal Planner; Chad Brown, Associate Planner; Erika Peterson, Associate Planner; Diego Arciniega, Assistant Planner; Alejandro Marquez, Administrative Specialist and Lizbeth Sanchez, Administrative Specialist.

Vice-Chairman Gregory Counts called the meeting to order at 4:30 p.m., and noted there was a quorum present.

CONSENT CALENDAR

MINUTES – September 12, 2022

WITHDRAWALS BY APPLICANT – None

CONTINUANCES – None

APPROVALS – None

Motion by Arney, second by Scott to APPROVE the Consent Calendar as presented. Motion carried unanimously, (5-0) with two absent.

Action Items –

CUP-40457-2022: *This is a request by Jill Kaiser, on behalf of Circle K Stores INC, for a Conditional Use Permit to demolish and rebuild a convenience market/motor fuel sales in the General Commercial (B-2) District, on the property located at 2398 South Avenue B, Yuma, AZ.*

Chad Brown, Associate Planner; summarized the staff report and recommended **APPROVAL.**

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANT'S REPRESENTATIVE

None

PUBLIC COMMENT

None

Andrew McGarvie, Engineering Manager, noted that Condition #6 in the Conditions of Approval needed to be corrected, and then read the corrected version of the condition. **Counts** asked for clarification of the condition. **Scott McCoy, Assistant City Attorney** stated that McGarvie noticed an earlier version of the condition was inserted in the Conditions of Approval, and that the condition needed to be updated.

Motion by Arney, second by Freeman to APPROVE CUP-40457-2022 as presented, subject to the Conditions of Approval in Attachment A, with amended Condition #6 to now read “The Owner/Developer shall dedicate to the City of Yuma by warranty deed, a corner triangle with 40 ft legs, at the northwest corner of Avenue B & 24th St.” Motion carried unanimously, (5-0) with two absent.

GP-40072-2022: *This is a Major General Plan Amendment request by Edward Matti on behalf of E.M. Capital Inc., to change the land use designation from Commercial to High Density Residential for approximately 9.2 acres, for the properties located at 6580 and 6620 E. 32nd Street.*

Erika Peterson, Associate Planner; summarized the staff report and recommended **APPROVAL**.

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANT’S REPRESENTATIVE

None

PUBLIC COMMENT

None

Motion by Freeman, second by Pendleton to APPROVE GP-40072-2022 as presented. Motion carried unanimously, (5-0) with two absent.

ZONE-40002-2022: *This is a request by The City of Yuma for a Subdivision Code Text Amendment to amend Title 15, Chapter 153 to update provisions related to the Subdivision Code.*

Alyssa Linville, Director of Planning and Neighborhood Services; summarized the staff report and recommended **APPROVAL**.

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANT’S REPRESENTATIVE

None

PUBLIC COMMENT

None

Motion by Arney, second by Freeman to APPROVE ZONE-40002-2022 as presented. Motion carried unanimously, (5-0) with two absent.

INFORMATION ITEMS

Staff

None

Commission

None

Public

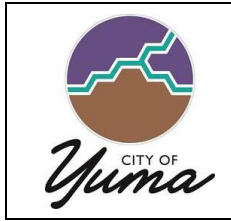
None

ADJOURNMENT

Vice-Chairman Gregory Counts adjourned the meeting at 4:42 p.m.

Minutes approved this _____ day of _____, 2022

Chairman



STAFF REPORT TO THE PLANNING & ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – CONDITIONAL USE PERMIT
CASE PLANNER: AMELIA DOMBY

Hearing Date: October 24, 2022

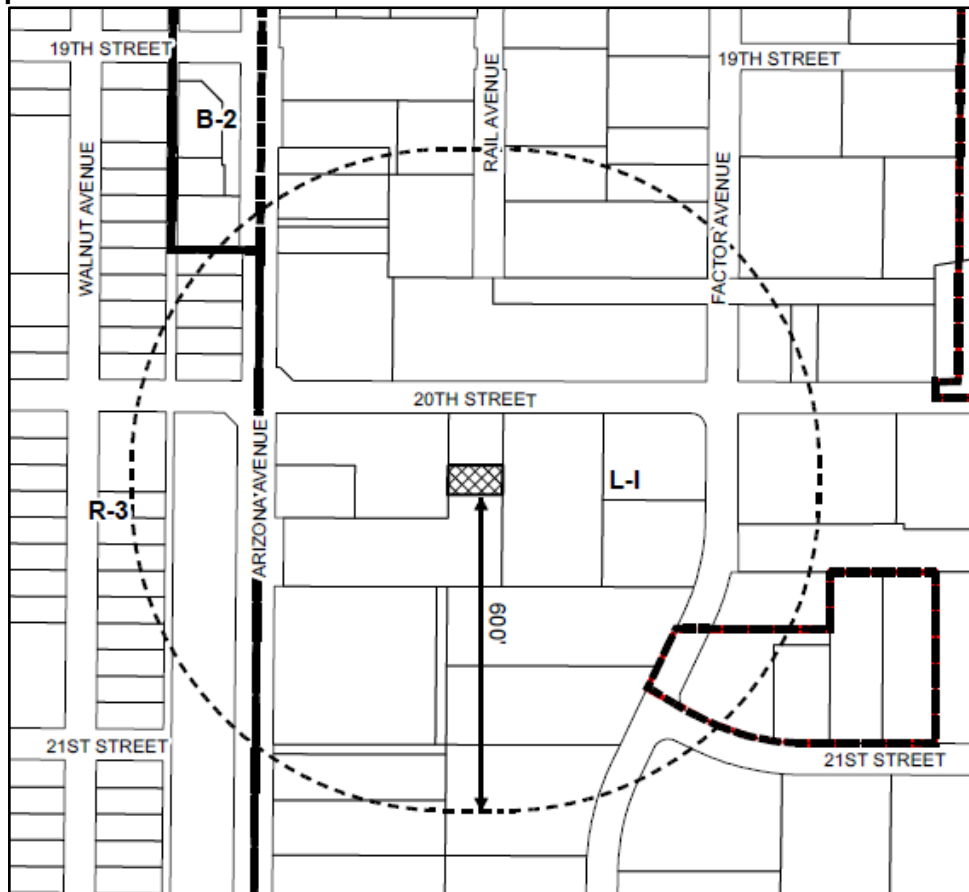
Case Number: CUP-040509-2022

Project Description/Location:

This is a request by Lindsay and Carlos Nungaray on behalf of Janet Wilson, for a Conditional Use Permit to allow a wellness, nutrition, and health consultation company – Evolution Strength, in the Light Industrial (L-I) District, for the property located at 547 E. 20th Street, Yuma, Arizona.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Light Industrial (L-I) District	Vacant	Industrial
North	Light Industrial (L-I) District	Warehouse	Industrial
South	Light Industrial (L-I) District	Rural Metro	Industrial
East	Light Industrial (L-I) District	Undeveloped	Industrial
West	Light Industrial (L-I) District	Mac Electric	Industrial

Location Map:



Prior site actions: Annexation: Ord. No. O2008-41 (November 15, 2008)

Staff Recommendation: Staff recommends **APPROVAL** of the Conditional Use Permit to allow a wellness, nutrition, and health consultation company – Evolution Strength in the Light Industrial (L-I) District, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Conditional Use Permit CUP-40509-2022 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the Conditional Use Permit, the Planning and Zoning Commission is authorizing the request by Lindsay and Carlos Nungaray on behalf of Janet Wilson, for a Conditional Use Permit to allow a wellness, nutrition, and health consultation company – Evolution Strength for the property located at 547 E. 20th Street, subject to the conditions outlined in Attachment A, and affirmatively finds that the seven Conditional Use Permit criteria set forth in Section 154-03.05(G)(2) of the City of Yuma Zoning Code have been met.

Staff Analysis: The subject property is located near 20th Street in the South Park Industrial District No. 2 Subdivision. The property is approximately 5,665 square feet, and was developed in 1977 with an approximately 2,000 square foot building. The property was later annexed into the City on November 1, 2008.

The applicant is proposing a wellness, nutrition, and health consultation company - Evolution Strength. According to the applicant, Evolution strength focuses primarily on strengthening youth and young adult athletes on an individual bases. This business offers one-on-one training and classes of three at a time for groups that are a part of a sports team. The business will operate Monday through Friday from 5:00 p.m. to 7:45 p.m.

Due to its location, the property does not have direct access to the nearest right-of-way along 20th Street. In 1996, an access agreement was recorded which permits employees and customers to access the subject property through the adjacent northern property along 20th Street.

Based upon the proposed use of the property as a wellness, nutrition and health company, the parking requirement is as follows: one space for each 400 square feet of gross floor area, plus one space for each employee. According to this parking calculation, a total of 6 parking spaces are required. The applicant is seeking a shared parking agreement with an adjacent property to meet this requirement.

The parking code requires parking on a separate lot to be located not more than 300' from the building or use it is required to serve. Additionally, the parking code requires that the lot is located within the same zoning district. The shared parking agreement will need to meet this requirement.

1. What are the impacts of the proposed conditional use on neighboring properties and what conditions are being proposed to resolve those impacts?

SPECIFIC IMPACT AREA		ISSUE	CONDITION #
A.	Traffic	None	
B.	Parking	Lack of paved parking spaces	#4
C.	Lighting	None	
D.	Hours of Operation	None	
E.	Indoor/Outdoor Activities	None	
F.	Noise	None	
G.	Air Quality	None	
H.	Hazardous Materials	None	
I.	Crime Prevention (CPTED)	None	
J.	Other	None	

2. Does the site plan comply with the requirements of the zoning code?

No. The site lacks the required parking. However, the applicant has indicated that a shared parking agreement will be obtained with a nearby property.

3. Does the proposed use and site plan comply with Transportation Element requirements?

FACILITY PLANS						
Transportation Master Plan		Planned	Existing	Gateway	Scenic	Hazard
20 th Street – Local Street		29 FT H/W	30 FT H/W			
Bicycle Facilities Master Plan		Proposed Bike Lane – Arizona Avenue				
YCAT Transit System		Green Route 4A				
Issues:		None				

4. Does the proposed conditional use conform to all prior City Council actions for this site?

Yes.

5. Can the P&Z Commission answer the following questions affirmatively?

(1) Is the Planning and Zoning Commission, or the City Council, authorized under the zoning code to grant the conditional use permit described in the application?

Yes. The Planning and Zoning Commission has the authority to review and approve this request per section 154-09.02 (E)(3), which requires a Conditional Use Permit for any use allowed in the General Commercial (B-2) District.

(2) Will the establishment, maintenance, and/or operation of the requested conditional use, under the circumstances of the particular case, not be detrimental to the health, safety; peace, morals, comfort, or general welfare of persons residing, or working, in the vicinity or such proposed use, or be detrimental, or injurious, to the value of property in the vicinity, or to the general welfare of the city?

Yes. The wellness, nutrition, and health consultation company, as described by the applicant, will not be detrimental to the health and safety, or the general welfare of persons residing or working in the vicinity.

(3) Are the provisions for ingress, egress, and traffic circulation, and adjacent public streets adequate to meet the needs of the requested conditional use?

Yes. The provisions for ingress, egress, and traffic circulation and adjacent public streets are adequate to meet the needs of the conditional use. The recorded shared access agreement allows customers and employees to access the property through the adjacent northern property.

(4) Are the provisions for building(s) and parking facility setbacks adequate to provide a transition from, and protection to, existing and contemplated residential development?

Yes. The existing building, site design, and setbacks are compatible with the general character of the neighboring properties. In addition, the proposed use for this property does not interfere with any other existing or contemplated residential or commercial development.

(5) Are the height and bulk of the proposed buildings, and structures, compatible with the general character of development in the vicinity of the requested conditional use?

Yes. The property was developed in 1977 and is surrounded by Commercial and Light Industrial uses. The proposed use will have no more of an effect on the neighborhood than the surrounding uses.

(6) Have provisions been made to attenuate noise levels and provide for adequate site, and security lighting?

Yes. There is existing adequate security lighting on the property. In addition, the proposed use will not generate exterior noise that is beyond noise already generated in the area.

(7) Has the site plan for the proposed conditional use, including, but not limited to landscaping, fencing, and screen walls and/or planting, CPTED strategies (Crime Prevention Through Environmental Design), and anti-graffiti strategies been adequately provided to achieve compatibility with adjoining areas?

Yes. The property has pre-existing fencing which surrounds the front and the back of the property. This provides compatibility with adjoining areas.

Public Comments Received: None Received.

Agency Comments: See Attachment.

Neighborhood Meeting Comments: No Meeting Required.

Discussions with Applicant/Agent: October 6, 2022

Proposed conditions delivered to applicant on: October 10, 2022

Final staff report delivered to applicant on: October 13, 2022

<input checked="checked" type="checkbox"/>	Applicant agreed with all of the conditions of approval on: October 10, 2022
<input type="checkbox"/>	Applicant did not agree with the following conditions of approval: (list #'s)
<input type="checkbox"/>	If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

ATTACHMENTS:

A	B	C	D	E	F	G	H	I
Conditions of Approval	Site Plan	Proposed Shared Parking	Site Photos	Agency Notification	Agency Comments	Neighbor Notification List	Neighbor Postcard	Aerial Photo

Prepared By: *Amelia Domby* **Date:** October 10, 2022
 Amelia Domby
 Senior Planner Amelia.Domby@yumaaz.gov (928)373-5000, x3034

Approved By: *Alyssa Linville* **Date:** October 17, 2022
 Alyssa Linville,
 Director of Planning and Neighborhood Services

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions of approval are roughly proportionate to the impacts associated with the conditional use and expected development on the property.

**Department of Planning and Neighborhood Services Comments: Alyssa Linville,
Director of Planning and Neighborhood Services (928) 373-5000, x 3037:**

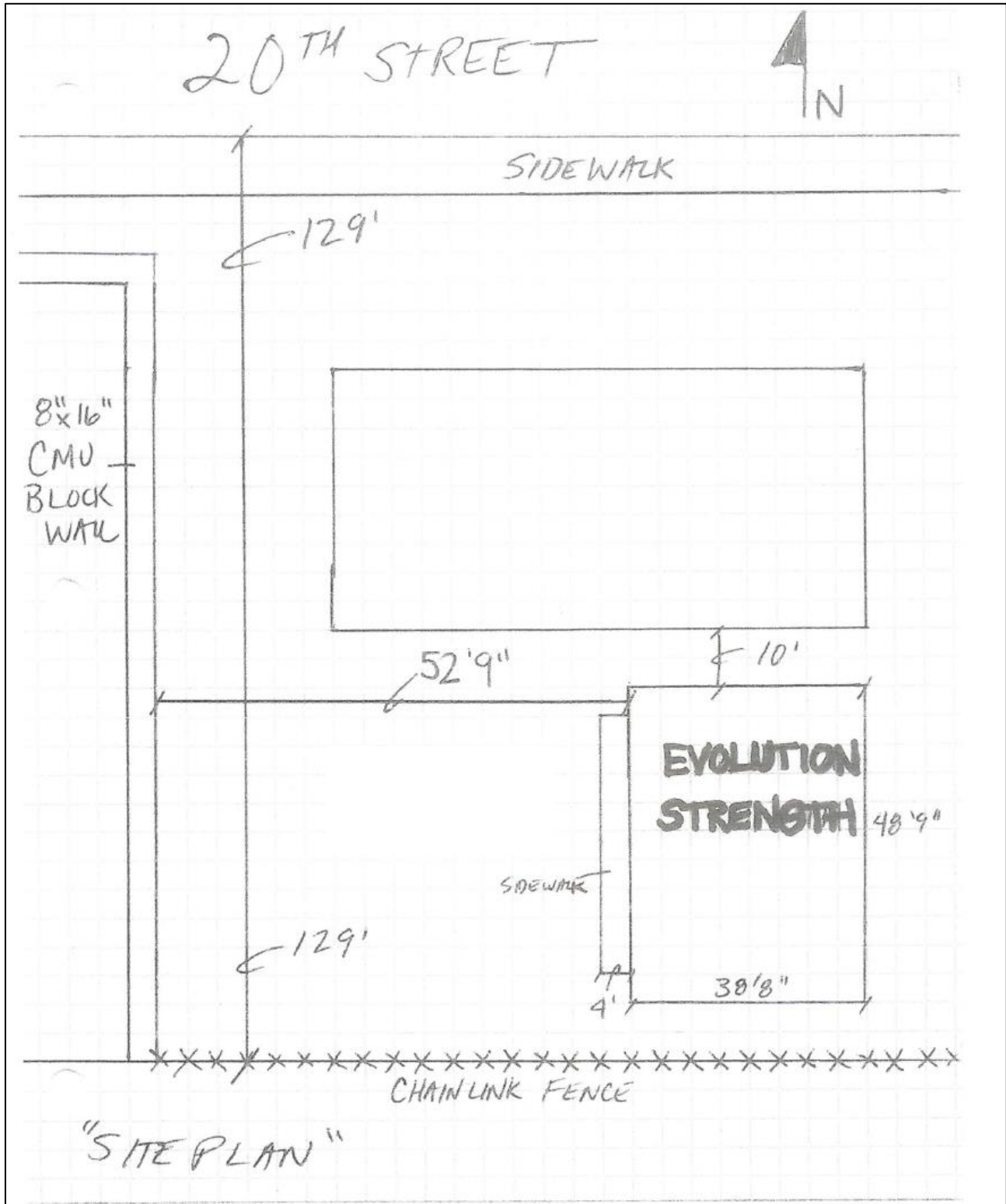
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

Community Planning: Amelia Domby, Senior Planner, (928) 373-5000 ext. 3034

4. Provide paved access and parking on-site, or a shared parking agreement with an adjacent Light Industrial property located within 300'.
5. Any substantial modification to the overall site design as represented on the site plan will require a public hearing and be subject to the approval of the Planning and Zoning Commission. A substantial modification to the site plan would include, but not necessarily be limited to, the relocation of vehicular access, the modification of storm water retention or the relocation of a building or structure.
6. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Conditional Use Permit or prior to the issuance of any Building Permit, Certificate of Occupancy or City of Yuma Business License for this property. In the event that the conditions are not completed within this time frame, the Conditional Use Permit shall be null and void.
7. In any case where a Conditional Use Permit has not been used within one year after the granting thereof, it shall be null and void.
8. Prior to the expiration date of the Conditional Use Permit, the applicant has the option to file for a one-year time extension.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B
SITE PLAN



ATTACHMENT C
PROPOSED SHARED PARKING



ATTACHMENT D
SITE PHOTOS



ATTACHMENT E AGENCY NOTIFICATIONS

- Legal Ad Published: The Sun (09/26/22)
- 300' Vicinity Mailing: (09/05/22)
- 34 Commenting/Reviewing Agencies noticed: (09/08/22)
- Site Posted on: (10/17/22)
- Neighborhood Meeting: (N/A)
- Hearing Date: (10/24/2022)
- Comments due: (09/19/22)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	09/12/22	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	09/12/22	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	09/12/22	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	YES	09/08/22	X		
Development Engineer	NR				
Fire	YES	09/09/22	X		
Building Safety	YES	09/09/22			X
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	NR				
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT F
AGENCY COMMENTS**

<input checked="" type="checkbox"/> Condition(s)	<input type="checkbox"/> No Condition(s)	<input checked="" type="checkbox"/> Comment
<p>Enter conditions here: No comments for CUP request. Plans and permits will be needed for building renovations/ remodeling, mechanical, electrical, etc.</p>		
<p>⊕</p>		
DATE:	9-9-2022	NAME: Alan Kircher
CITY DEPT:	Building Safety	TITLE: Deputy Building Official
PHONE:	928-373-5169	
RETURN TO:	Amelia Griffin	
	Amelia.Griffin@YumaAZ.gov	
□		

ATTACHMENT G
NEIGHBOR NOTIFICATION LIST

Property Owner	Mailing Address	City	State	Zip
HOUSING AUTHORITY OF THE CITY OF YUMA	420 S MADISON AVE 340 W. 32ND STREET SPC 341	YUMA	AZ	85364
HOUSTON INTERNATIONAL LTD		YUMA	AZ	85364
CASTANEDA CARLOS & MICHELLE HOGAN CPWROS	994 W 34TH PL	YUMA	AZ	85365
SPARLIN ENTERPRISES AZ LLC	2125 S ARIZONA AVE	YUMA	AZ	85364
2115 ARIZONA AVENUE LP AZ LTD PART	3497 S WOODPECKER DR 1120 N CARBON ST STE 100	YUMA	AZ	85365
YUMA SUN INC		MARION	IL	62959
DUNN TIMOTHY M & EILEEN E TRUST 4-17-02	6324 E TELEGRAPH ST	YUMA	AZ	85365
WEBER SHIRLEY A TRUST 12-28-2012	3056 TERREY PINES CIR	YUMA	AZ	85365
POAGE DALE F TRUST 2-4-2014	1440 E LAGUNA PL #7	YUMA	AZ	85365
YUMA CITY OF	ONE CITY PLAZA	YUMA	AZ	85364
SEVEN ACES LLC	17825 S AVENUE A	SOMERTON	AZ	85350
ALGODONES 1 LLC	PO BOX 4339	YUMA	AZ	85366
M & S HOME APPLIANCE LLC	2075 S FACTOR AVENUE	YUMA	AZ	85365
SHAFFER JAMES EDWARD	PO BOX 4339	YUMA	AZ	85366
RH REAL ESTATE OF YUMA AZ LLC	2908 E ANDY DEVINE AVE	KINGMAN	AZ	86401
BEJ FAMILY LLC AZ LLC	1821 S ARIZONA AVE	YUMA	AZ	85365
INVESTMENT PROPERTIES LTD TX LTD PART	1011 N FRIO ST STE 200	SAN ANTONIO	TX	78207
MAC ELECTRIC INC	10439 ROSELLE ST	SAN DIEGO	CA	92121
MORRISON LYNN A & KRISTIN A JT	2025 S ARIZONA AVE	YUMA	AZ	85365
HEI HOLDINGS LLC	1319 GATE WAY	YUMA	AZ	85364
WILSON RICHARD W & JANET L TRS 10-7-96	1087 S HEREFORD AVE	YUMA	AZ	85364
GODOY FERNANDO & LETICIA JT	2069 S WALNUT AVE	YUMA	AZ	85364
ORTIZ FRANCISCO J & GUADALUPE D JT	550 E ROBIN LN APT 121	YUMA	AZ	85365
GALINDO CINDY	2053 S WALNUT AVE	YUMA	AZ	85364
YUMITZCRUMB LLC	3225 MCLEOD DR STE 100	LAS VEGAS	NV	89121
HALL JARED E & KRYSTAL L	2037 S WALNUT AVE	YUMA	AZ	85364
ROMERO ROBERTO &	2023 S WALNUT AVE	YUMA	AZ	85364

GASTELUM JESUS & MARTHA JT	4156 W 17TH ST	YUMA	AZ	85364
AMERICAN HOME BUYERS LLC	1020 S 4TH AVE	YUMA	AZ	85364
MESA MARGARET M	1993 S WALNUT AVE	YUMA	AZ	85364
NAVARRO IRENIA B	1987 S WALNUT AVE	YUMA	AZ	85365
BERMUDEZ MANUEL	1983 S WALNUT AVE	YUMA	AZ	85364
HIRTH ENTERPRISES INC AN ARIZONA CORP	1999 S ARIZONA AVE	YUMA	AZ	85364
20SDOBSON LLC	1955 N VAL VISTA STE 110	MESA	AZ	85213
ZAKM HOGAN LLC	3615 S 18TH AVE	YUMA	AZ	85364
UNDERHILL FACTOR HOLDINGS INC	1925 S FACTOR AVE	YUMA	AZ	85364
UNION PACIFIC RAILROAD CO	1400 DOUGLAS ST STOP 1640	OMAHA	NE	68179
HAZLETT PROPERTIES AZ LLC	1931 S RAIL AVE	YUMA	AZ	85365
LAND LEO L & JO ANN TRUST 2-1- 88	1963 S ARIZONA AVE	YUMA	AZ	85364
LAND TRUST 2-1-88	1963 S ARIZONA AVE	YUMA	AZ	85364
NELSON DENNIS & GEORGIANA TRS 9-10-98	610 E 20TH ST	YUMA	AZ	85365
MARKS ARIZONA HOLDINGS LLC	5670 WILSHIRE BLVD #450	LOS ANGELES	CA	90036

**ATTACHMENT H
NEIGHBOR MAILING**

This is a request by Lindsay and Carlos Nungaray on behalf of Janet Wilson, for a Conditional Use Permit to allow a wellness, nutrition, and health consultation company – Evolution Strength, in the Light Industrial (L-I) District, for the property located at 547 E. 20th Street, Yuma, Arizona.

**MEETING DATE,
TIME & LOCATION
FOR CASE #
CUP-040509-2022**

PUBLIC HEARING
10/24/2022 @ 4:30PM
City Hall Council Chambers
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of the 547 E. 20th Street, Yuma AZ, you are invited to attend the public hearing to voice your comments. If you have questions or wish to submit written comments please contact, Amelia Griffin by phone at (928) 373-5000 ext. 3034 or by email at Amelia.Griffin@yumaaz.gov

ATTACHMENT I
AERIAL PHOTO

